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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE WESTERN DISTRICT OF WASHINGTON**  
10 **AT SEATTLE**

11 RESONANT SYSTEMS, INC.

12 Plaintiff,

13 v.

14 FUN FACTORY USA, INC.

Defendant.

No.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

15 This is an action for patent infringement in which Resonant Systems, Inc. (“Resonant  
16 Systems” or “Plaintiff”) makes the following allegations against Fun Factory USA, Inc.  
17 (“Fun Factory” or “Defendant”).  
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19 **NATURE OF THE ACTION**

20 1. This is a patent infringement action to stop Defendant’s infringement of  
21 United States Patent Nos. 8,093,767 (the “’767 Patent”) and 8,860,337 (the “’337 Patent”)  
22 (“the Patents-in-Suit”).  
23

24 **PARTIES**

25 2. Plaintiff Resonant Systems is a Washington corporation with its principal  
26 place of business at 1406 NW 53rd, Suite 2a, Seattle, WA 98107.

1           3.       On information and belief, Fun Factory is a California corporation with its  
2 principal place of business at 3605 West Pacific Avenue, Burbank, CA 91505. On  
3 information and belief, Fun Factory may be served with process by serving its registered  
4 agent Petra Korn at 475 Washington Blvd., Marina Del Ray, CA 90292.

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6                               **JURISDICTION AND VENUE**

7           4.       This action arises under the patent laws of the United States, Title 35 of the  
8 United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and  
9 1338(a).

10          5.       The Court has personal jurisdiction over Defendant, including because  
11 Defendant has minimum contacts within the State of Washington; Defendant has purposely  
12 availed itself of the privileges of conducting business in the State of Washington; Defendant  
13 regularly conducts business within the State of Washington; and Resonant Systems' cause of  
14 action arises directly from Defendant's business contacts and other activities in the State of  
15 Washington.

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17          6.       More specifically, Defendant, directly and/or through its intermediaries,  
18 makes, distributes, imports, offers for sale, sells, advertises and/or uses, linear vibration  
19 modules and/or systems, including the Accused Products identified herein, that practice the  
20 claimed systems of the Patents-in-Suit in the State of Washington. Defendant has committed  
21 patent infringement in the State of Washington and solicits customers in the State of  
22 Washington. Defendant has paying customers who are residents of the State of Washington  
23 and who purchase and use Defendant's infringing products in the State of Washington.  
24 Further, Defendant has an interactive website that is accessible from the State of Washington.  
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Defendant infringes by and through at least its manufacture, distribution, offer to sell, sale, and/or use of the products comprising at least the following Fun Factory Accused Products: Stronic Eins (SKU's: 4000136 and 4000166), see <https://us.funfactory.com/en/pulsators/stronic-eins/>; Stronic Zwei (SKU's: 4000208 and 4000258), see <https://us.funfactory.com/en/pulsators/stronic-zwei/>; and Stronic Drei (SKU's: 4000374 and 4000364), see <https://us.funfactory.com/en/pulsators/stronic-drei/>. Defendant is thus liable for infringement of the '767 Patent under 35 U.S.C. § 271.

12. Further, Defendant's infringement is willful as upon information and belief, Defendant has had knowledge of the '767 Patent since at least April 2013.

13. Each of Defendant's aforesaid activities has been without authority and/or license from Resonant Systems.

14. Resonant Systems is entitled to recover from Defendant the damages sustained by Resonant Systems as a result of Defendant's wrongful acts in an amount subject to proof at trial, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this court under 35 U.S.C. § 284.

## COUNT II INFRINGEMENT OF U.S. PATENT NO. 8,860,337

15. Plaintiff is the owner by assignment of the '337 Patent entitled "Linear Vibration Modules and Linear-Resonant Vibration Modules" – including all rights to recover for past and future acts of infringement. The '337 Patent was issued on October 14, 2014. A true and correct copy of the '337 Patent is attached as Exhibit B.

16. Resonant Systems, Inc. has been in existence since December 2010. Robin Elenga, one of the inventors listed on the '337 Patent, is the President and Chief Executive Officer of Resonant Systems.

17. On information and belief, Defendant has been and now is directly infringing the '337 Patent in this judicial district and elsewhere in the United States. Infringement by Defendant includes, without limitation, making, distributing, importing, offering for sale, selling, advertising, and/or using, without limitation, linear vibration modules and systems, infringing at least claim 4 of the '337 Patent. Plaintiff is informed and believes that Defendant infringes by and through at least its manufacture, distribution, offer to sell, sale, and/or use of the products comprising at least the following Fun Factory Accused Products: Stronic Eins (SKU's: 4000136 and 4000166), see <https://us.funfactory.com/en/pulsators/stronic-eins/>; Stronic Zwei (SKU's: 4000208 and 4000258), see <https://us.funfactory.com/en/pulsators/stronic-zwei/>; and Stronic Drei (SKU's: 4000374 and 4000364), see <https://us.funfactory.com/en/pulsators/stronic-drei/>. Defendant is thus liable for infringement of the '337 Patent under 35 U.S.C. § 271.

18. Each of Defendant's aforesaid activities has been without authority and/or license from Resonant Systems.

19. Resonant Systems is entitled to recover from Defendant the damages sustained by Resonant Systems as a result of Defendant's wrongful acts in an amount subject to proof at trial, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this court under 35 U.S.C. § 284.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

1. In favor of Plaintiff that Defendant has infringed the '767 and '337 Patents;

3. That this Court declare this case to be an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with U.S.C. § 285; and

4. Granting Plaintiff any and all other relief to which Plaintiff may show itself to be entitled.

## DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted this 14<sup>th</sup> day of January, 2015

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